UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/82
2 February 1996

ORIGINAL: ENGLISH

LETTER DATED 1 FEBRUARY 1996 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 918 (1994) CONCERNING RWANDA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda, containing an account of the Committee's activities since its establishment until 31 December 1995. The present report, which was adopted by the Committee under the no-objection procedure on 26 January 1996, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(Signed) Nugroho WISNUMURTI
Chairman
Security Council Committee established
pursuant to resolution 918 (1994)
concerning Rwanda

96-02450 (E) 020296 050296

/...

Annex

Report of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda

I. INTRODUCTION

1. By its resolution 918 (1994) of 17 May 1994, the Security Council, acting under Chapter VII of the Charter of the United Nations, imposed mandatory sanctions against Rwanda, relating to the sale or supply to Rwanda of arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts.

2. By paragraph 14 of the same resolution, the Security Council established a Committee consisting of all members of the Council to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States information regarding the action taken by them concerning the effective implementation of the embargo imposed by paragraph 13 of resolution 918 (1994);

(b) To consider any information brought to its attention by States concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo;

(c) To recommend appropriate measures in response to violations of the embargo imposed by paragraph 13 of resolution 918 (1994) and provide information on a regular basis to the Secretary-General for general distribution to Member States.

3. The Committee's bureau, as elected at its first meeting of each year, consists of a Chairman and two Vice-Chairmen. The Chairman is elected in his/her personal capacity for the calendar year. In 1995, the bureau consisted of Mr. Nugroho Wisnumurti (Indonesia) as Chairman, with the delegations of Botswana and Italy providing the two Vice-Chairmen.

4. The Committee adopted the present report, under the no-objection procedure, on 26 January 1996. The purpose of the report is to present a factual summary of the Committee's activities since its establishment in 1994 until 31 December 1995, during which time the Committee has held four meetings.

II. SUBSEQUENT ACTION BY THE SECURITY COUNCIL

5. In operative paragraph 4 of its resolution 997 (1995) of 9 June 1995, the Security Council affirmed that the restrictions imposed by resolution 918 (1994) applied to the sale or supply of arms and matériel specified therein to persons in the States neighbouring Rwanda, if that sale or supply is for the purpose of the use of such arms or matériel within Rwanda. In operative paragraph 5 of the

same resolution, the Council called upon neighbouring States to take steps, with the aim of putting an end to factors contributing to the destabilization of Rwanda, to ensure that such arms and matériel are not transferred to Rwandan camps within their territories. In operative paragraph 6, the Council requested the Secretary-General to consult the Governments of neighbouring countries on the possibility of the deployment of United Nations military observers, and to consult, as a matter of priority, the Government of Zaire on the deployment of observers, including in the airfields located in eastern Zaire, in order to monitor the sale or supply of arms and matériel.

6. By its resolution 1005 (1995) of 17 July 1995, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided that, notwithstanding the restrictions imposed in paragraph 13 of resolution 918 (1994), appropriate amounts of explosives intended exclusively for use in established humanitarian demining programmes may be supplied to Rwanda upon application to and authorization by the Committee.

7. On 16 August 1995, the Security Council adopted resolution 1011 (1995). In section B of that resolution, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided that:

(a) With immediate effect and until 1 September 1996, the restrictions imposed by paragraph 13 of resolution 918 (1994) shall not apply with regard to the sale or supply of arms and related matériel to the Government of Rwanda (para. 7);

(b) On 1 September 1996, the restrictions imposed by paragraph 13 of resolution 918 (1994) on the sale or supply of arms and related matériel to the Government of Rwanda shall terminate, unless the Council decides otherwise after its consideration of the second report of the Secretary-General referred to in paragraph 12 of resolution 1011 (1995) (para. 8);

(c) With a view to prohibiting the sale and supply of arms and related matériel to non-governmental forces for use in Rwanda, all States shall continue to prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts, to Rwanda, or to persons in the States neighbouring Rwanda if such sale or supply is for the purpose of the use of such arms or matériel within Rwanda, other than to the Government of Rwanda as specified in paragraphs 7 and 8 of the resolution (para. 9);

(d) No arms or related matériel sold or supplied to the Government of Rwanda may be resold to, transferred to or made available for use by any State neighbouring Rwanda or person not in the service of the Government of Rwanda, either directly or indirectly (para. 10);

(e) States shall notify the Committee established by resolution 918 (1994) of all exports from their territories of arms or related matériel to Rwanda, the Government of Rwanda shall mark and register and notify the Committee of all imports made by it of arms and related matériel and the Committee shall report regularly to the Council on notifications so received (para. 11).

The Council also requested the Secretary-General to report to it within 6 months of the date of adoption of the resolution, and again within 12 months, regarding, in particular, the export of arms and related matériel referred to in paragraph 7 of the resolution, on the basis of the reports submitted by the Committee established by resolution 918 (1994) (para. 12).

8. On 7 September 1995, the Security Council adopted resolution 1013 (1995), by which it established an International Commission of Inquiry. Operative paragraph 3 of the resolution requires the Committee established by resolution 918 (1994) to make available to the International Commission of Inquiry information relating to the sale or supply of arms and related matériel to former Rwandan government forces in the Great Lakes region in violation of Council resolutions 918 (1994), 997 (1995) and 1011 (1995).

III. SUMMARY OF THE ACTIVITIES OF THE COMMITTEE DURING THE REPORTING PERIOD

9. At its 3rd meeting, on 19 July 1995, the Committee adopted the guidelines for the conduct of its work, taking into account the provisions of resolutions 918 (1994), 997 (1995) and 1005 (1995), which were transmitted to all States and international organizations on 21 July 1995. Furthermore, by means of a press release issued on 27 July 1995, the Committee made an appeal to Governments, intergovernmental and non-governmental organizations, as well as individuals, to provide any information they may have on violations or suspected violations of the embargo imposed against Rwanda (United Nations press release SC/6074).

10. At the same meeting, the Committee also considered and approved a request received pursuant to resolution 1005 (1995) from the United States of America for the supply of a quantity of explosives and related materials for use in a bilateral humanitarian demining assistance programme (United Nations press release S/6071).

11. Following the adoption of Security Council resolution 1011 (1995), the Committee, at its 4th meeting, held on 10 October 1995, adopted the new consolidated guidelines, which incorporate the relevant provisions of section B of resolution 1011 (1995). The new consolidated guidelines were transmitted to all States and international organizations on 11 October 1995, drawing their attention in particular to operative paragraph 11 of the aforementioned resolution, which requires States to notify the Committee of all exports from their territories of arms or related matériel to Rwanda. In addition, a letter was sent on 11 October 1995 to the Government of Rwanda requesting that notifications of all imports made by it of arms and related matériel be made to the Committee in compliance with operative paragraph 11 of resolution 1011 (1995). Furthermore, by means of a press release issued on 13 October 1995, the Committee made an appeal to Governments, intergovernmental and non-governmental organizations, as well as individuals, to provide any information they may have on violations or suspected violations of the embargo imposed against Rwanda (United Nations press release SC/6113).

12. In accordance with a decision taken at its 4th meeting, a report entitled "Rearming with impunity: international support for the perpetrators of the

Rwandan genocide", received by the Committee from Rwanda, was transmitted to the Governments of China, France, South Africa and Zaire for comment. In this regard, replies received from the Governments of France and China denied the allegations of suspected violations contained in the report.

13. In response to a letter dated 12 November 1995 from the International Commission of Inquiry requesting information the Committee may have relating to the sale or supply of arms and related matériel to the former Rwandan government forces, and in accordance with operative paragraph 3 of resolution 1013 (1995), the aforementioned report, together with the replies received from the Governments of France and China, was transmitted to the International Commission of Inquiry.